

EXHIBIT “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
JOSHUA FISCHMAN,

Plaintiff(s),

-against-

AMERICAN AIRLINES INC,

DEFENDANT(s).

-----x
Plaintiff, complaining of the defendants herein by his attorneys, HARMON, LINDER &
ROGOWSKY, respectfully sets forth and alleges, as follows:

AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF THE PLAINTIFF

1. That at all times herein mentioned plaintiff was a resident of the City, County, and State of New York
2. That at all times herein mentioned defendant, AMERICAN AIRLINES INC , was and still is a foreign business corporation duly authorized to conduct business in the State of New York.
3. That at all times herein mentioned defendant, AMERICAN AIRLINES INC , was transacting business within the State of New York and/or regularly contracted and/or solicited business within the State of New York and/or engaged in persistent courses and derived substantial revenue from services rendered in the state of New York and/or goods used or consumed in the State of New York, and expected, or should have expected, from its acts and conduct to have consequences within the State of New York and derived substantial revenue from interstate commerce.
4. That at all times herein mentioned, defendant, AMERICAN AIRLINES, INC., was and

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still is a commercial airline that conducts business locally, regionally, nationally, and globally.

5. That at all times herein mentioned, LaGuardia Airport in the in County of Queens, City, and State of New York, was and still is a public airport in common use by the residents of the City, and State of New York.
6. That on August 21, 2019, defendant AMERICAN AIRLINES, INC. Was operating Flight No.AA0075 departing from LaGuardia Airport in the in County of Queens, City, and State of New York, arriving at Philadelphia, Pennsylvania.
7. Plaintiff was lawfully a passenger on said flight.
8. That at all times herein mentioned, defendant, AMERICAN AIRLINES INC managed and controlled Flight No.AA0075 departing from Gate C9 departing from LaGuardia Airport in the in County of Queens, City, and State of New York, arriving at Philadelphia, Pennsylvania.
9. That at all times herein mentioned, defendant, AMERICAN AIRLINES, INC owes a duty to all its passengers, traveling on its flights.
10. That on August 21, 2019, Plaintiff, was on said flight when he was caused to sustain serious and severe bodily injuries when he was struck by an unrestrained and unsecured beverage cart/trolley.
11. The occurrence as aforesaid was caused solely and wholly by reason of the negligence, wanton, carelessness, and recklessness of the defendants, their agents, servants, and/or employees who were negligent in the ownership, supervision, operation, management, control, hiring, and training of employees.
12. Plaintiff was caused to sustain serious and severe emotional injuries through the reasons of

negligence of the defendant and its employees.

13. Defendant, AMERICAN AIRLINES, INC. failed to exercise reasonable care in restraining and securing the beverage cart/trolley during the aforesaid flight.
14. The defendants, their agents, servants and/or employees were negligent as set forth in the complaint and as follows, among other things: in the careless and negligent ownership, management, operation and control of the aforesaid beverage cart/trolley in causing, allowing and/or permitting the aforesaid beverage cart/trolley to become and remain in a dangerous, defective, dilapidated, trap-like, unmaintained, negligent, improper, uneven improper/inadequate hand rails and/or unsafe condition; in failing to ensure said beverage cart/trolley was restrained and secured for the duration of said flight; in failing to make proper, adequate, timely and necessary repair to said beverage cart/trolley; in causing, allowing and/or permitting aforesaid beverage cart/trolley to be and remain in a hazardous condition; in failing to make proper, timely and adequate inspection thereof; in failing to maintain the aforesaid beverage cart/trolley in a proper manner; in the negligent and dangerous design, installation, maintenance and management of the aforesaid area; in failing to set up proper safeguards and/or barriers; in failing to warn persons lawfully traversing the area of the aforesaid trap-like, dangerous and hazardous condition; in having insufficient and inadequate manpower; in making negligent and/or insufficient repairs of the beverage cart/trolley; in failing to protect invitees of a said area; in an improper use of materials of the aforesaid area and/or beverage cart/trolley; in creating a nuisance or trap; in failing to provide and/or use proper equipment; and in otherwise failing to use due care, caution and prudence on the beverage cart/trolley.
15. That as a result of the foregoing, the plaintiff was caused to and did sustain severe and

serious injuries and was required to seek and obtain medical care and attention in an effort to cure and alleviate same and upon information and belief will be compelled to do so in the future.


16. That this occurrence and the injuries sustained by the plaintiff's injuries was caused wholly and solely by the negligence of the defendants herein.

17. That this action falls within one or more of the exceptions set forth in section 1602 of the CPLR.

18. That by reason of the foregoing, plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

WHEREFORE, Plaintiff JOSHUA FISCHMAN demands judgment against the defendants on the First Cause of Action in an amount which exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction all together with the costs and disbursements of this action.

Dated: New York, New York
August 19, 2012



MARK J. LINDER
HARMON, LINDER & ROGOWSKY ESQS.
Attorneys for Plaintiff
3 Park Avenue, Suite 2300
New York, NY 10016
(212) 732-3665

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, the undersigned, am an attorney admitted to practice in the Courts of New York State,
and say that:

I am the attorney of record or of counsel with the attorney(s) of record for plaintiff.

I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the
contents thereof and the same are true to my knowledge, except those matters therein which are
stated to be alleged on information and belief. As to those matters, I believe them to be true. My
belief, as to those matters therein not stated upon knowledge is based upon the following:
Interviews and/or discussions with the plaintiff(s) and papers and/or documents in the file.

The reasons I make this affirmation instead of the plaintiff is because said plaintiff resides
outside of the county from where your deponent maintains his office for the practice of law.

Dated: New York, New York
 August 19, 2022

A handwritten signature in black ink, consisting of a stylized 'M' and 'L' joined together, is written over a horizontal line.

Mark J. Linder Esq.

Index No.

Year

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

JOSHUA FISCHMAN,

Plaintiff,

-against-

AMERICAN AIRLINES INC,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

HARMON, LINDER & ROGOSWKY, ESQS.

Attorney for Plaintiff(s)
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016
(212) 732-3665 Phone
(212) 732-1462 Facsimile

To:

Attorney(s) for Defendant

Service of a copy of the within Summons and Complaint is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

☐ Notice of Entry that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

☐ Notice of Settlement
that an order of which the within is a true copy will be presented for settlement to the
Hon. _____, one of the judges of the within named Court, at _____,
on _____.

Dated: August 18, 2022

Yours, etc.

Harmon, Linder & Rogowsky, Esqs.
Attorneys for Plaintiff
3 Park Avenue, 23rd Floor
Suite 2300
New York, NY 10016
(212) 732-3665

JOSHUA FISCHMAN

AGAINST

PLAINTIFF/PETITIONER

AMERICAN AIRLINES INC.

DEFENDANT/RESPONDENT

NOTICE OF ELECTRONIC FILING (Mandatory Case) (Uniform Rule § 202.5-bb)

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

*If you are represented by an attorney:

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

*If you are not represented by an attorney:

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- *serving and filing your documents electronically
- *free access to view and print your e-filed documents
- *limiting your number of trips to the courthouse
- *paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- *visit: www.nycourts.gov/efile-unrepresented or
- *contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys (E-filing is Mandatory for Attorneys)

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile ; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

DATE: 8/19/2022

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